

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – July 27, 2006**

MEMBERS PRESENT

Bruce Bell
Walter “Terry” Bowditch
William Dobrowolski
Joseph Herlihy
Daniel Shipley
James Murphy

MEMBERS ABSENT

Kenneth Charest

OTHERS PRESENT

Andrew Black, Assistant Attorney General
Kim Baker-Stetson, Licensing Clerk
Susan Greenlaw, Board Clerk

Location: Central Conference Room

Start: 9:00 a.m. **Adjourn:** 8:00 p.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

AGENDA MODIFICATIONS

OLD BUSINESS

Action on Minutes of June 6, 2006 Meeting

NEW BUSINESS

Hearing – James J. Cassell (#REA-254)

The hearing in the matter James J. Cassell was called to order. Cassell was present and represented by attorney John Paterson. Assistant Attorney General Andrew Black represented the state in this matter. Ruth McNiff attended as Hearing Officer.

A motion was made by William Dobrowolski to dismiss violation of 32 M.R.S.A. §14014(1)(B); seconded by Daniel Shipley. Dobrowolski, Murphy, and Shipley voted in the affirmative; Bell and Bowditch opposed. Motion carried.

A motion was made by Daniel Shipley to find Cassell in violation of 32 M.R.S.A. §14014(1)(I); seconded by James Murphy. Unanimous.

A motion was made by Bruce Bell to find Cassell in violation of 32 M.R.S.A. §14014(1)(J); seconded by William Dobrowolski. Unanimous.

A motion was made by William Dobrowolski to find Cassell in violation of 32 M.R.S.A. §14014(1)(G); seconded by James Murphy. Unanimous.

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A motion was made by William Dobrowolski to find Cassell in violation of USPAP Standards Rule 1-1(b); seconded by James Murphy. Unanimous.

A motion was made by James Murphy to find Cassell in violation of USPAP Standards Rule 1-1(c); seconded by William Dobrowolski. Unanimous.

A motion was made by James Murphy to find Cassell in violation of USPAP Standards Rule 1-2(e)(i); seconded by William Dobrowolski. Bell, Bowditch, Dobrowolski, and Murphy voted in the affirmative; Shipley opposed. Motion carried.

A motion was made by William Dobrowolski to find Cassell in violation of USPAP Standards Rule 1-2(e)(iv); seconded by James Murphy. Unanimous.

A motion was made by Bruce Bell to find Cassell in violation of USPAP Standards Rule 1-2(f); seconded by James Murphy. Bell, Bowditch, Dobrowolski, Murphy, and Shipley opposed. Motion failed.

A motion was made by William Dobrowolski to dismiss violation of USPAP Standards Rule 1-2(f); seconded by Daniel Shipley. Unanimous.

A motion was made by Daniel Shipley to dismiss violation of USPAP Standards Rule 1-3(a); seconded by James Murphy. Unanimous.

A motion was made by William Dobrowolski to find Cassell in violation of USPAP Standards Rule 1-3(b); seconded by James Murphy. Unanimous.

A motion was made by William Dobrowolski to find Cassell in violation of USPAP Standards Rule 1-4(a); seconded by Bruce Bell. Unanimous.

A motion was made by Bruce Bell to find Cassell in violation of USPAP Standards Rule 1-4(b)(i); seconded by James Murphy. Bell, Bowditch, Dobrowolski, and Murphy voted in the affirmative; Shipley opposed. Motion carried.

A motion was made by Daniel Shipley to dismiss violation of USPAP Standards Rule 1-4(b)(ii); seconded by James Murphy. Bell, Bowditch, Murphy, and Shipley voted in the affirmative; Dobrowolski opposed. Motion carried.

A motion was made by James Murphy to dismiss violation of USPAP Standards Rule 1-4(b)(iii); seconded by Daniel Shipley. Bell, Bowditch, Murphy, and Shipley voted in the affirmative; Dobrowolski opposed. Motion carried.

A motion was made by William Dobrowolski to find Cassell in violation of USPAP Standards Rule 1-6(a); seconded by James Murphy. Bell, Bowditch, Dobrowolski, Murphy, and Shipley opposed. Motion failed.

A motion was made by William Dobrowolski to dismiss violation of USPAP Standards Rule 1-6(b); seconded by Daniel Shipley. Unanimous.

A motion was made by William Dobrowolski to find Cassell in violation of USPAP Standards Rule 2-1(a); seconded by James Murphy. Unanimous.

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A motion was made by William Dobrowolski to find Cassell in violation of USPAP Standards Rule 2-2(b)(iii); seconded by Bruce Bell. Unanimous.

A motion was made by Daniel Shipley to find Cassell in violation of USPAP Standards Rule 2-2(b)(x); seconded by James Murphy. Unanimous.

A motion was made by Daniel Shipley to order Cassell to: (1) pay a fine in the amount of \$3000; (2) pay costs not to exceed \$5000; (3) license suspension for a period of 180 days; (4) successful completion of a minimum 30 hour Principles of Appraisal course, not to be counted as continuing education for license renewal; (5) successful completion of a 15 hour USPAP course, not to be counted as continuing education for renewal; and (6) payment of fine, costs, and completion of education must be completed before his license can be reinstated following suspension; seconded by James Murphy. Bell, Bowditch, Murphy, and Shipley voted in the affirmative; Dobrowolski opposed. Motion carried.

A motion was made by James Murphy that Cassell be assessed any appellate costs; seconded by Bruce Bell. Bell, Bowditch, Dobrowolski, and Murphy voted in the affirmative; Shipley opposed. Motion carried.

Administrator's Report

Complaint Officer's Report

Review and Action on Applications and Education

Correspondence

Next Meeting Scheduled for August 1, 2006

OTHER BUSINESS

ADJOURN

Being no further board business the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Susan Greenlaw, Board Clerk